

[Query](#) [Reports ▼](#) [Utilities ▼](#) [Help](#) [Log Out](#)

RECAP Actions ▼

STANDARD,SUSPENSE

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:16-cv-05796-JMY**

WICHTERMAN v. CITY OF PHILADELPHIA et al
Assigned to: HONORABLE JOHN M. YOUNGE
Referred to: MAGISTRATE JUDGE THOMAS J. RUETER
(Settlement)
Cause: 42:1983 Civil Rights Act

Date Filed: 11/09/2016
Date Terminated: 02/17/2023
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

DAVID WICHTERMAN, JR.
*AS ADMINISTRATOR OF THE ESTATE OF
DANIEL WICHTERMAN*

represented by **JONATHAN H. FEINBERG**
KAIRYS RUDOVSKY MESSING
FEINBERG & LIN LLP
THE CAST IRON BLDG STE 501 SOUTH
718 ARCH STREET
PHILADELPHIA, PA 19106
215-925-4400
Fax: 215-925-5365
Email: jfeinberg@krlawphila.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

CITY OF PHILADELPHIA

represented by **BAILEY AXE**
City of Philadelphia Law Department
1515 Arch Street
14th Floor
Philadelphia, PA 19102
215-683-5443
Email: bailey.axe@phila.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan Cooper
PHILADELPHIA LAW DEPARTMENT
CIVIL RIGHTS UNIT
1515 ARCH STREET 14TH FLOOR
PHILADELPHIA, PA 19102
215-683-5448
Email: jonathan.cooper@phila.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MEGHAN E. CLAIBORNE
DOJ-USAO
City Solicitor's Office
615 Chestnut Street
9th Floor
Philadelphia, PA 19106
215-861-8200
Email: meghan.claiborne@usdoj.gov
TERMINATED: 06/08/2022

Defendant

CORIZON HEALTH

represented by **STEPHEN E. SIEGRIST**
O'CONNOR KIMBALL, LLP
15TH ST & JOHN F. KENNEDY BLVD
SUITE 1100
PHILADELPHIA, PA 19102
215-564-0400
Email: SSiegrist@okllp.com
TERMINATED: 02/21/2017
LEAD ATTORNEY

THOMAS J. GREGORY
O'CONNOR KIMBALL LLP
TWO PENN CENTER - STE. 1100
1500 JOHN F KENNEDY BLVD
PHILADELPHIA, PA 19102
215-564-0400
Fax: 215-564-1973
Email: tgregory@okllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LISA A. CAULEY
Milber Makris Plousadis & Seiden, LLP
SUITE 1100
1001 Old Cassatt Road, Suite 310
Berwyn, PA 19312
610-677-2400
Email: lcauley@milbermakris.com
TERMINATED: 01/16/2020

Defendant

JUSTIN AVERY
POLICE CORRECTIONAL OFFICER

represented by **Jonathan Cooper**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

WILLIAM GWALTHNEY
POLICE CORRECTIONAL OFFICER

represented by **Jonathan Cooper**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

TAIRU WAHABU
RN

represented by **STEPHEN E. SIEGRIST**
(See above for address)
TERMINATED: 02/21/2017
LEAD ATTORNEY

THOMAS J. GREGORY
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED



LISA A. CAULEY
(See above for address)
TERMINATED: 01/16/2020

Defendant

OFFICER JOYNER
BADGE #114

represented by **Jonathan Cooper**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/09/2016	1	COMPLAINT against JUSTIN AVERY, CITY OF PHILADELPHIA, CORIZON HEALTH, WILLIAM GWALTHNEY, TAIRU WAHABU (Filing fee \$ 400 receipt number 149908.), filed by DAVID WICHTERMAN, JR. (Attachments: # 1 Civil Cover Sheet, # 2 Designation Form, # 3 Case Management Track Form)(jwl,) (Entered: 11/09/2016)
11/09/2016		Summons Issued as to JUSTIN AVERY, CITY OF PHILADELPHIA, CORIZON HEALTH, WILLIAM GWALTHNEY, TAIRU WAHABU. Five Forwarded To: Counsel on 11/9/16 (jwl,) (Entered: 11/09/2016)
11/09/2016		DEMAND for Trial by Jury by DAVID WICHTERMAN, JR. (jwl,) (Entered: 11/09/2016)
11/16/2016	2	CERTIFICATE of Counsel <i>Certificate of Merit as to Tairu Wahabu, RN</i> by JONATHAN H. FEINBERG on behalf of DAVID WICHTERMAN, JR(FEINBERG, JONATHAN) (Entered: 11/16/2016)
11/16/2016	3	CERTIFICATE of Counsel <i>Certificate of Merit as to Corizon Health</i> by JONATHAN H. FEINBERG on behalf of DAVID WICHTERMAN, JR(FEINBERG, JONATHAN) (Entered: 11/16/2016)
11/30/2016	4	SUMMONS Returned Executed by DAVID WICHTERMAN, JR re: Michael Doyle served Summons and Complaint upon CORIZON HEALTH, TAIRU WAHABU by personal service on Elizabeth Manios of Corizon Health. CORIZON HEALTH served on 11/23/2016, answer due 12/14/2016; TAIRU WAHABU served on 11/23/2016, answer due 12/14/2016. (FEINBERG, JONATHAN) (Entered: 11/30/2016)
12/12/2016	5	WAIVER OF SERVICE Returned Executed by DAVID WICHTERMAN, JR. JUSTIN AVERY waiver sent on 11/15/2016, answer due 1/17/2017; CITY OF PHILADELPHIA waiver sent on 11/15/2016, answer due 1/17/2017; WILLIAM GWALTHNEY waiver sent on 11/15/2016, answer due 1/17/2017. (FEINBERG, JONATHAN) (Entered: 12/12/2016)

12/27/2016	6	ANSWER to 1 Complaint, with <i>Certificate of Service</i> by CORIZON HEALTH, TAIRU WAHABU.(SIEGRIST, STEPHEN) (Entered: 12/27/2016)
12/27/2016	7	Disclosure Statement Form pursuant to FRCP 7.1 including Valitas Health Services, Inc. by CORIZON HEALTH.(SIEGRIST, STEPHEN) (Entered: 12/27/2016)
01/17/2017	8	ANSWER to 1 Complaint, with <i>Affirmative Defenses and Certificate of Service</i> by JUSTIN AVERY, WILLIAM GWALTHNEY.(COOPER, JONATHAN) (Entered: 01/17/2017)
01/17/2017	9	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by CITY OF PHILADELPHIA.Memorandum, Certificate of Service.(COOPER, JONATHAN) (Entered: 01/17/2017)
02/02/2017	10	STIPULATION AND ORDER THAT PLAINTIFFS RESPONSE TO THE MOTION TO DISMISS OF THE CITY OF PHILADELPHIA SHALL BE EXTENDED BY SEVEN DAYS FROM JANUARY 31, 2017 TO FEBRUARY 7, 2017. SIGNED BY HONORABLE JAN E. DUBOIS ON 1/31/17. 2/2/17 ENTERED AND COPIES EMAILED TO COUNSEL.(jaa,) (Entered: 02/02/2017)
02/07/2017	11	RESPONSE in Opposition re 9 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 02/07/2017)
02/16/2017	12	NOTICE of Appearance by THOMAS J. GREGORY on behalf of CORIZON HEALTH with Certificate of Service(GREGORY, THOMAS) (Entered: 02/16/2017)
02/16/2017	13	NOTICE of Appearance by THOMAS J. GREGORY on behalf of TAIRU WAHABU with Certificate of Service(GREGORY, THOMAS) (Entered: 02/16/2017)
02/21/2017	14	NOTICE of Withdrawal of Appearance by STEPHEN E. SIEGRIST on behalf of CORIZON HEALTH, TAIRU WAHABU(SIEGRIST, STEPHEN) (Entered: 02/21/2017)
03/16/2017	15	Discovery Plan by DAVID WICHTERMAN, JR.(FEINBERG, JONATHAN) (Entered: 03/16/2017)
04/17/2017	16 	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE JAN E. DUBOIS ON 4/17/17. 4/17/17 ENTERED AND COPIES EMAILED TO COUNSEL AND COPY TO LEGAL.(jaa,) (Entered: 04/17/2017)
04/17/2017	17 	ORDER THAT DEFENDANT'S MOTION TO DISMISS IS DENIED WITHOUT PREJUDICE TO DEFENDANT'S RIGHT TO RAISE THE ISSUES PRESENTED AFTER COMPLETION OF DISCOVERY BY MOTION FOR SUMMARY JUDGMENT AND/OR TRIAL. IT IS FURTHER ORDERED THAT A PRELIMINARY PRETRIAL CONFERENCE WILL BE SCHEDULED IN DUE COURSE. SIGNED BY HONORABLE JAN E. DUBOIS ON 4/17/17. 4/17/17 ENTERED AND COPIES EMAILED TO COUNSEL AND COPY TO LEGAL.(jaa,) (Entered: 04/17/2017)
04/18/2017	18	NOTICE of Hearing: PRELIMINARY PRETRIAL TELEPHONE CONFERENCE SET FOR 5/22/2017 04:45 PM BEFORE HONORABLE JAN E. DUBOIS. (Attachments: # 1 Conference Information Report.pdf, # 2 Scheduling & Discovery Policy-Counsel.pdf)(mvh,) (Entered: 04/18/2017)
05/24/2017	19	SCHEDULING ORDER: ALL REMAINING FACT-DISCOVERY SHALL BE COMPLETED BY 10/6/17. ANY MOTIONS FOR SUMMARY JUDGMENT AND DAUBERT MOTIONS SHALL BE FILED ON OR BEFORE 1/19/18. PLAINTIFF SHALL FILE PRETRIAL MEMORANDA ON OR BEFORE 5/4/18. DEFENDANTS

		SHALL FILE PRETRIAL MEMORANDA ON OR BEFORE 5/18/18. THE CASE WILL BE PLACED ON THE COURT'S TRIAL LIST ON 6/1/18. SIGNED BY HONORABLE JAN E. DUBOIS ON 5/22/17. 5/24/17 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 05/24/2017)
08/18/2017	20	ORDER THAT THE ABOVE CAPTIONED MATTER IS REFERRED TO THE HONORABLE THOMAS J. RUETER, UNITED STATES MAGISTRATE JUDGE FOR THE SCHEDULING OF A SETTLEMENT CONFERENCE AT THE END OF THE DISCOVERY PERIOD, THAT IS 10/6/17 OR AS SOON THEREAFTER AS THE CONFERENCE CAN BE HELD; THE PARTIES SHALL JOINTLY THROUGH COUNSEL REPORT TO THE COURT WITH RESPECT TO WHETHER THE CASE IS SETTLED WITHIN SEVEN (7) DAYS FOLLOWING THE LAST SETTLEMENT CONFERENCE BEFORE MAGISTRATE JUDGE RUETER. SIGNED BY HONORABLE JAN E. DUBOIS ON 8/18/17. 8/21/17 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 08/21/2017)
08/18/2017	21	LETTER FROM JON COOPER, ESQ. DATE 4/17/17 ADDRESSED TO THE HONORABLE JUDGE JAN E. DUBOIS RE: SETTLEMENT (jpd,) (Entered: 08/21/2017)
08/23/2017	22	NOTICE OF HEARING: A SETTLEMENT CONFERENCE WILL BE HELD ON 10/12/17 AT 10:00 AM IN COURTROOM 3-C BEFORE MAGISTRATE JUDGE THOMAS J. RUETER.(mbh,) (Entered: 08/23/2017)
09/25/2017	23	(VACATED PER ORDER NO. 52) AMENDED SCHEDULING ORDER: ALL REMAINING FACT-BASED DISCOVERY SHALL BE COMPLETED BY 2/9/2018. AMY MOTIONS FOR SUMMARY JUDGMENT AND DAUBERT MOTIONS SHALL BE FILED BY 5/25/2018. PLAINTIFF'S PRETRIAL MEMORANDUM SHALL BE FILED BY 9/7/2018. DEFENDANTS' PRETRIAL MEMORANDUM SHALL BE FILED BY 9/21/2018. THE CASE WILL BE PLACED ON THE COURT'S TRIAL LIST ON 10/5/2018. SIGNED BY HONORABLE JAN E. DUBOIS ON 9/22/17. 9/26/17 ENTERED AND COPIES E-MAILED.(mbh,) Modified on 8/23/2018 (amas). (Entered: 09/26/2017)
09/29/2017	24	ORDER THAT DEFENDANTS' LETTER REQUEST TO CANCEL THE SETTLEMENT CONFERENCE SCHEDULED FOR 10/12/17 IS GRANTED. IT IS FURTHER ORDERED THAT ON OR BEFORE 2/1/18, DEFENDANTS SHALL REPORT TO THE UNDERSIGNED WHETHER THE PARTIES ARE INTERESTED IN SCHEDULING A SETTLEMENT CONFERENCE. SIGNED BY MAGISTRATE JUDGE THOMAS J. RUETER ON 9/29/17. 9/29/17 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 09/29/2017)
10/19/2017	25	NOTICE of Appearance by LISA A. CAULEY on behalf of CORIZON HEALTH with Certificate of Service(CAULEY, LISA) (Entered: 10/19/2017)
10/19/2017	26	NOTICE of Appearance by LISA A. CAULEY on behalf of TAIRU WAHABU with Certificate of Service(CAULEY, LISA) (Entered: 10/19/2017)
11/10/2017	27	Consent MOTION to Amend/Correct 1 Complaint, filed by DAVID WICHTERMAN, JR.. (Attachments: # 1 Exhibit Proposed Amended Complaint)(FEINBERG, JONATHAN) (Entered: 11/10/2017)
11/10/2017	29	Amended Complaint against JUSTIN AVERY, CITY OF PHILADELPHIA, CORIZON HEALTH, WILLIAM GWALTHNEY, TAIRU WAHABU and JOYNER filed by DAVID WICHTERMAN, JR.(mbh,) (Entered: 11/16/2017)
11/15/2017	28	ORDER THAT PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO AMEND THE COMPLAINT IS GRANTED AND THE AMENDED COMPLAINT

		APPENDED TO THE MOTION AS EXHIBIT 1 SHALL BE DEEMED FILED AS OF 11/10/17. DEFENDANTS SHALL RESPOND TO THE AMNEDED COMPLAINT WITHIN THE TIME ALLOWED UNDER THE APPLICABLE RULES. IT IS FURTHER ORDERED THAT THE CAPTION INTHIS CASE SHALL BE AMENDED. SIGNED BY HONORABLE JAN E. DUBOIS ON 11/15/17. 11/16/17 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 11/16/2017)
11/15/2017		Summons Issued as to CORRECTIONAL OFFICER JOYNER. One forwarded to: Counsel on 11/16/16.(mbh,) (Entered: 11/16/2017)
11/20/2017	30	SUMMONS Returned Executed by DAVID WICHTERMAN, JR re: Jonathan H. Feinberg served Summons and Complaint upon JOYNER by Service on counsel for defendant Jonathan Cooper, Esq., per the agreement of counsel. JOYNER served on 11/16/2017, answer due 12/7/2017. (FEINBERG, JONATHAN) (Entered: 11/20/2017)
12/01/2017	31	ANSWER to 29 Amended Complaint <i>with affirmative defenses and certificate of service</i> by JUSTIN AVERY, CITY OF PHILADELPHIA, WILLIAM GWALTHNEY, JOYNER.(COOPER, JONATHAN) (Entered: 12/01/2017)
12/04/2017	32	ANSWER to 29 Amended Complaint <i>with Affirmative Defenses</i> by CORIZON HEALTH.(GREGORY, THOMAS) (Entered: 12/04/2017)
12/04/2017	33	ANSWER to 29 Amended Complaint <i>with Affirmative Defenses</i> by TAIRU WAHABU.(GREGORY, THOMAS) (Entered: 12/04/2017)
03/20/2018	34	ORDER THAT, ON OR BEFORE 5/11/18, COUNSEL SHALL JOINTLY REPORT TO THE COURT WITH RESPECT TO WHETHER THE CASE IS SETTLED. IT IS FURTHER ORDERED THAT, WITH RESPECT TO MATTERS OTHER THAN SETTLEMENT, THE CASE SHALL PROCEED IN ACCORDANCE WITH THE AMENDED SCHEDULING ORDER DATED 9/22/18. SIGNED BY HONORABLE JAN E. DUBOIS ON 3/15/18. 3/20/18 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 03/20/2018)
05/24/2018	35	ORDER THAT DEFENDANTS' LETTER REQUEST FOR AN EXTENSION OF THE SUMMARY JUDGMENT DEADLINE IS GRANTED. DEFENDANTS SHALL FILE MOTIONS FOR SUMMARY JUDGMENT ON OR BEFORE 5/30/18. SIGNED BY HONORABLE MARK A. KEARNEY (ON BEHALF OF JAN E. DUBOIS) ON 5/24/18. 5/24/18 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 05/24/2018)
05/30/2018	36	MOTION for Summary Judgment filed by CORIZON HEALTH, TAIRU WAHABU.memorandum, certificate of service. (Attachments: # 1 Memorandum, # 2 Certificate of Service, # 3 Exhibit)(CAULEY, LISA) Modified on 5/31/2018 (afm,). (FILED IN ERROR, INCORRECT DOCUMENT, ATTORNEY REFILEING CORRECT DOCUMENT) (Main Document 36 replaced on 6/6/2018) (fb,). (Entered: 05/30/2018)
05/30/2018	37	MOTION to Exclude <i>Expert Report of Robert L. Cohen, M.D.</i> filed by CORIZON HEALTH, TAIRU WAHABU.Memorandum, Certificate of Service. (Attachments: # 1 Exhibit)(CAULEY, LISA) (Entered: 05/30/2018)
05/31/2018	38	MOTION for Summary Judgment filed by JUSTIN AVERY, CITY OF PHILADELPHIA, WILLIAM GWALTHNEY, JOYNER.Memorandum, Certificate of Service. (Attachments: # 1 SUMF). (FILED IN ERROR BY ATTORNEY; SEE PAPER # 40 FOR CORRECTED FILING). (COOPER, JONATHAN) (Main Document 38 replaced on 6/6/2018) (fb). (Attachment 1 replaced on 6/6/2018) (fb). Modified on 6/6/2018 (fb). (Entered: 05/31/2018)



05/31/2018	39	MOTION to Exclude <i>Expert Testimony of Sarah E. Wakeman, M.D.</i> filed by CORIZON HEALTH, TAIRU WAHABU.Memorandum, Certificate of Service. (Attachments: # 1 Exhibit, # 2 Exhibit)(CAULEY, LISA) (Entered: 05/31/2018)
05/31/2018	40	MOTION for Summary Judgment filed by JUSTIN AVERY, CITY OF PHILADELPHIA, WILLIAM GWALTHNEY, JOYNER.Memorandum, Certificate of Service. (Attachments: # 1 SUMF)(COOPER, JONATHAN) (Additional attachment(s) added on 4/26/2019: # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F) (nd,). (# 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K) (nd,). (Additional attachment(s) added on 4/26/2019: # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Exhibit Q) (nd,). (Additional attachment(s) added on 4/26/2019: # 19 Exhibit R, # 20 Exhibit S, # 21 Exhibit T, # 22 Exhibit U, # 23 Exhibit V) (nd,). (Entered: 05/31/2018)
06/01/2018	41	MOTION for Summary Judgment filed by CORIZON HEALTH, TAIRU WAHABU.memorandum, certificate of service. (Attachments: # 1 Certificate of Service, # 2 Exhibit, # 3 Memorandum)(CAULEY, LISA) (Entered: 06/01/2018)
06/14/2018	42	ORDER THAT PLAINTIFF'S RESPONSES TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT AND DAUBERT MOTIONS SHALL BE FILED ON OR BEFORE 6/27/18. SIGNED BY HONORABLE MARK A. KEARNEY (FOR HONORABLE JAN E DUBOS) ON 6/14/18. 6/14/18 ENTERED AND COPIES E-MAILED.(mbh,). (Entered: 06/14/2018)
06/27/2018	43	RESPONSE in Opposition re 41 MOTION for Summary Judgment , 40 MOTION for Summary Judgment filed by DAVID WICHTERMAN, JR. (Attachments: # 1 Text of Proposed Order, # 2 Statement of Facts, # 3 Response to City Defendants' Statement of Facts, # 4 Response to Corizon Defendants' Statement of Facts, # 5 Declaration Regarding Exhibits to Plaintiff's Statement of Facts, # 6 Exhibit 1, # 7 Exhibit 2, # 8 Exhibit 3, # 9 Exhibit 4, # 10 Exhibit 7, # 11 Exhibit 8, # 12 Exhibit 9, # 13 Exhibit 10, # 14 Exhibit 12A, # 15 Exhibit 13, # 16 Exhibit 18, # 17 Exhibit 19, # 18 Exhibit 22, # 19 Exhibit 23, # 20 Exhibit 25, # 21 Exhibit 26, # 22 Exhibit 27, # 23 Exhibit 28, # 24 Exhibit 30, # 25 Exhibit 33, # 26 Exhibit 35, # 27 Exhibit 36, # 28 Exhibit 37, # 29 Exhibit 38, # 30 Exhibit 39, # 31 Exhibit 40, # 32 Exhibit 41, # 33 Exhibit 42, # 34 Exhibit 43, # 35 Exhibit 44, # 36 Exhibit 45, # 37 Exhibit 46, # 38 Exhibit 47, # 39 Exhibit 48, # 40 Exhibit 49, # 41 Exhibit 50, # 42 Exhibit 51, # 43 Exhibit 52, # 44 Exhibit 53, # 45 Exhibit 55, # 46 Exhibit 56A, B, C, D, # 47 Exhibit 57, # 48 Exhibit 58, # 49 Exhibit 59, # 50 Exhibit 60, # 51 Exhibit 61, # 52 Exhibit 62, # 53 Exhibit 63, # 54 Exhibit 64A, # 55 Exhibit 64B, # 56 Exhibit 65, # 57 Exhibit 17)(FEINBERG, JONATHAN) (Entered: 06/27/2018)
06/27/2018	44	RESPONSE in Opposition re 39 MOTION to Exclude <i>Expert Testimony of Sarah E. Wakeman, M.D.</i> , 37 MOTION to Exclude <i>Expert Report of Robert L. Cohen, M.D.</i> filed by DAVID WICHTERMAN, JR. (Attachments: # 1 Exhibit A, B, C, D) (FEINBERG, JONATHAN) (Entered: 06/27/2018)
07/11/2018	45	Letter from LISA CAULEY TO JUDGE DUBOIS RE: CERTAIN STATEMENTS; ETC. (jl,) (Entered: 07/11/2018)
07/11/2018	46	ORDER THAT THE DATE BY WHICH DEFENDANTS, CORIZON HEALTH INC. AND TAIRU WAHABU, R.N. SHALL FILE AND SERVE REPLY BRIEFS IS EXTENDED FROM 7/11/18 UNTIL 7/18/18; ETC.. SIGNED BY HONORABLE JAN E. DUBOIS ON 7/10/18. 7/11/18 ENTERED AND E-MAILED.(jl,) (Entered: 07/11/2018)

07/11/2018	47	REPLY to Response to Motion re 40 MOTION for Summary Judgment filed by JUSTIN AVERY, CITY OF PHILADELPHIA, WILLIAM GWALTHNEY. (COOPER, JONATHAN) (Entered: 07/11/2018)
07/17/2018	48	MOTION for Leave to File <i>Amended Exhibits to Plaintiff's Response in Opposition to Defendants' Summary Judgment Motions</i> filed by DAVID WICHTERMAN, JR.. (Attachments: # 1 Exhibit Amended exhibit 61, # 2 Exhibit Amended exhibit 62, # 3 Exhibit Amended exhibit 63, # 4 Exhibit Amended exhibits 64A&B)(FEINBERG, JONATHAN) (Entered: 07/17/2018)
07/18/2018	49	Reply Brief in Support to Motion re 39 MOTION to Exclude <i>Expert Testimony of Sarah E. Wakeman, M.D.</i> , 37 MOTION to Exclude <i>Expert Report of Robert L. Cohen, M.D.</i> filed by CORIZON HEALTH, TAIRU WAHABU. (Attachments: # 1 Certificate of Service)(CAULEY, LISA) Modified on 7/19/2018 (fb). (Entered: 07/18/2018)
07/19/2018	50	REPLY Brief in Support re 41 MOTION for Summary Judgment filed by CORIZON HEALTH, TAIRU WAHABU. (CAULEY, LISA) Modified on 7/20/2018 (fb). (Entered: 07/19/2018)
08/01/2018	51	ORDER THAT PLAINTIFF'S MOTION FOR LEAVE TO AMEND EXHIBITS TO RESPONSE TO DEFENDANTS' SUMMARY JUDGMENT MOTION IS GRANTED AND THE EXHIBITS APPENDED TO THE MOTION SHALL BE DOCKETED IN PLACE OF PREVIOUSLY FILED EXHIBITS. SIGNED BY HONORABLE JAN E. DUBOIS ON 7/31/18. 8/1/18 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 08/01/2018)
08/23/2018	52	ORDER THAT THE AMENDED SCHEDULING ORDER DATED 9/22/2018, IS VACATED. THE COURT WILL ISSUE A SECOND AMENDED SCHEDULING ORDER, IF NECESSARY, AFTER THE COURT RULES ON THE PENDING MOTIONS. SIGNED BY HONORABLE JAN E. DUBOIS ON 8/22/2018. 8/23/2018 ENTERED AND COPIES E-MAILED.(amas) (Entered: 08/23/2018)
06/20/2019	53 R	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE JAN E. DUBOIS ON 6/19/19. 6/21/19 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 06/21/2019)
06/20/2019	54 R	ORDER THAT DEFENDANTS CORIZON AND WAHABU'S MOTION TO EXCLUDE THE EXPERT TESTIMONY OF ROBERT L. COHEN, M.D. IS GRANTED IN PART AND DENIED IN PART. DEFENDANTS CORIZON AND WAHABU'S MOTION TO EXCLUDE THE EXPERT TESTIMONY OF SARAH E. WAKEMAN, M.D. IS GRANTED IN PART AND DENIED IN PART. SIGNED BY HONORABLE JAN E. DUBOIS ON 6/19/19. 6/21/19 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 06/21/2019)
07/17/2019	55 R	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE JAN E. DUBOIS ON 7/16/19. 7/17/19 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 07/17/2019)
07/17/2019	56 R	ORDER THAT DEFENDANTS CITY OF PHILADELPHIA, JUSTIN AVERY, WILLIAM GWALTHNEY AND LAVERN JOYNER'S MOTION FOR SUMMARY JUDGMENT IS GRANTED IN PART AND DENIED IN PART. DEFENDANTS CORIZON HEALTH INC. AND TAIRU WAHABU RN'S MOTION FOR SUMMARY JUDGMENT IS GRANTED IN PART AND DENIED IN PART. PLAINTIFF'S EIGHTH AMENDMENT DELIBERATE INDIFFERENCE AND MONELL CLAIMS ARE MARKED WITHDRAWN WITH PREJUDICE BY AGREEMENT OF PLAINTIFF. IT IS FURTHER ORDERED THAT A CONFERENCE FOR THE PURPOSE OF SCHEDULING FURTHER

		PROCEEDINGS WILL BE CONDUCTED IN DUE COURSE. SIGNED BY HONORABLE JAN E. DUBOIS ON 7/16/19. 7/17/19 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 07/17/2019)
07/26/2019	57	NOTICE of Hearing: TELEPHONE SCHEDULING CONFERENCE SET FOR 8/20/2019 04:00 PM BEFORE HONORABLE JAN E. DUBOIS.(mvh,) (Entered: 07/26/2019)
08/23/2019	58	ORDER THAT THIS CASE IS REFERRED TO U.S. MAGISTRATE JUDGE THOMAS J. RUETER FOR SETTLEMENT CONFERENCING AT AN EARLY DATE, ETC. SIGNED BY HONORABLE JAN E. DUBOIS ON 8/20/19. 8/23/19 ENTERED AND COPIES E-MAILED.(kw,) (Entered: 08/23/2019)
08/28/2019	59	NOTICE: A SETTLEMENT CONFERENCE WILL BE HELD ON 11/25/2019 AT 10:00 AM IN COURTROOM 3-C.(mbh,) (Entered: 08/29/2019)
11/25/2019	60	Minute Entry for Settlement Conference held on 11/25/19 before Judge Rueter (mbh,) (Entered: 11/26/2019)
12/04/2019	61	SECOND AMENDED SCHEDULING ORDER THAT PLAINTIFF PRETRIAL MEMORANDUM ARE DUE BY 12/20/19. DEFENDANTS PRETRIAL MEMORANDUM ARE DUE BY 1/10/20. THE CASE WILL BE PLACED ON THE COURT'S TRIAL LIST ON 1/31/20; ETC.. SIGNED BY HONORABLE JAN E. DUBOIS ON 12/4/19. 12/5/19 ENTERED AND E-MAILED.(jl,) (Entered: 12/05/2019)
12/04/2019		Set/Reset Scheduling Order Deadlines: DEFENDANT PRETRIAL MEMO DUE BY 1/10/2020. (jl,) (Entered: 12/05/2019)
12/20/2019	62	PRETRIAL MEMORANDUM by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 12/20/2019)
01/08/2020	63	PRETRIAL MEMORANDUM by CITY OF PHILADELPHIA. (COOPER, JONATHAN) (Entered: 01/08/2020)
01/09/2020	64	PRETRIAL MEMORANDUM by CORIZON HEALTH. (GREGORY, THOMAS) (Entered: 01/09/2020)
01/09/2020	65	PRETRIAL MEMORANDUM by TAIRU WAHABU. (GREGORY, THOMAS) (Entered: 01/09/2020)
01/16/2020	66	NOTICE of Withdrawal of Appearance by LISA A. CAULEY on behalf of CORIZON HEALTH, TAIRU WAHABU(CAULEY, LISA) (Entered: 01/16/2020)
01/28/2020	67	Proposed Voir Dire by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 01/28/2020)
01/28/2020	68	Proposed Jury Instructions by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 01/28/2020)
01/28/2020	69	Proposed Jury Interrogatories by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 01/28/2020)
01/28/2020	70	TRIAL BRIEF by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 01/28/2020)
01/28/2020	71	MOTION in Limine to Preclude Introduction of Decedents Sisters Death filed by DAVID WICHTERMAN, JR..(FEINBERG, JONATHAN) (Entered: 01/28/2020)
01/29/2020	72	STIPULATION of Uncontested Facts by DAVID WICHTERMAN, JR. (FEINBERG,

		JONATHAN) (Entered: 01/29/2020)
01/29/2020	73	Statement <i>Joint Statement of the Case</i> by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 01/29/2020)
01/30/2020	74	ORDER THAT THE REQUEST IS GRANTED. THE DATE BY DEFENDANT SHALL FILE AND SERVE MOTIONS IN LIMINE ETC IS EXTENDED TO 1/31/20. IT IS FURTHER ORDERED THAT, EXCEPTING ONLY THE ABOVE, THE SECOND AMENDED SCHEDULING ORDER DATED 12/4/19, CONTINUES IN EFFECT. SIGNED BY HONORABLE JAN E. DUBOIS ON 1/29/20. 1/30/20 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 01/30/2020)
01/30/2020	75	Letter dated 1/27/20 from Jon Cooper (mbh,) (Entered: 01/30/2020)
01/31/2020	76	First MOTION in Limine to <i>Preclude Evidence of the Post-Incident Investigation</i> filed by CITY OF PHILADELPHIA.Memorandum, Certificate of Service. (Attachments: # 1 Exhibit A)(COOPER, JONATHAN) (Entered: 01/31/2020)
01/31/2020	77	Second MOTION in Limine to <i>Preclude Prior Acts and Discipline</i> filed by CITY OF PHILADELPHIA.Memorandum, Certificate of Service. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(COOPER, JONATHAN) (Entered: 01/31/2020)
01/31/2020	78	Third MOTION in Limine to <i>Preclude Evidence of Other Detainee Deaths / Harms</i> filed by CITY OF PHILADELPHIA.Memorandum, Certificate of Service. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(COOPER, JONATHAN) (Entered: 01/31/2020)
01/31/2020	79	Fifth MOTION in Limine to <i>Preclude Opinions and Conclusions of R. Paul McCauley</i> filed by CITY OF PHILADELPHIA.Memorandum, Certificate of Service. (Attachments: # 1 Exhibit A)(COOPER, JONATHAN) (Entered: 01/31/2020)
01/31/2020	80	Fourth MOTION in Limine to <i>Preclude Evidence of Post-Incident Opiate-Related Policy Changes and Training</i> filed by CITY OF PHILADELPHIA.Memorandum, Certificate of Service. (Attachments: # 1 Exhibit A)(COOPER, JONATHAN) (Entered: 01/31/2020)
02/01/2020	81	Seventh MOTION in Limine <i>Limine to Preclude Specific Testimony From the Deposition of Captain Lee Strollo</i> filed by CITY OF PHILADELPHIA.Memorandum, Certificate of Service. (Attachments: # 1 Exhibit A)(CLAIBORNE, MEGHAN) (Entered: 02/01/2020)
02/01/2020	82	Sixth MOTION in Limine <i>evidence and/or testimony concerning the May 2017 Report on the Mayors Task Force to Combat the Opioid Epidemic in Philadelphia</i> filed by CITY OF PHILADELPHIA.Memorandum, Certificate of Service. (Attachments: # 1 Exhibit A)(CLAIBORNE, MEGHAN) (Entered: 02/01/2020)
02/06/2020	83	Proposed Jury Instructions by CITY OF PHILADELPHIA. (COOPER, JONATHAN) (Entered: 02/06/2020)
02/06/2020	84	Proposed Verdict Sheet by CITY OF PHILADELPHIA.. (COOPER, JONATHAN) (Entered: 02/06/2020)
02/06/2020	85	TRIAL BRIEF by CITY OF PHILADELPHIA. (COOPER, JONATHAN) (Entered: 02/06/2020)
02/14/2020	86	Consent MOTION for Extension of Time to File Response/Reply as to 79 Fifth MOTION in Limine to <i>Preclude Opinions and Conclusions of R. Paul McCauley</i> , 80 Fourth MOTION in Limine to <i>Preclude Evidence of Post-Incident Opiate-Related Policy Changes and Training</i> , 76 First MOTION in Limine to <i>Preclude Evidence of</i>

		<i>the Post-Incident Investigation</i> , 82 Sixth MOTION in Limine <i>evidence and/or testimony concerning the May 2017 Report on the Mayors Task Force to Combat the Opioid Epidemic in Philadelphia</i> , 77 Second MOTION in Limine <i>to Preclude Prior Acts and Discipline</i> , 81 Seventh MOTION in Limine <i>Limine to Preclude Specific Testimony From the Deposition of Captain Lee Strollo</i> , 78 Third MOTION in Limine <i>to Preclude Evidence of Other Detainee Deaths / Harms</i> filed by DAVID WICHTERMAN, JR..(FEINBERG, JONATHAN) (Entered: 02/14/2020)
02/20/2020	87	ORDER THAT PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT CITY OF PHILADELPHIA'S MOTIONS IN LIMINE IS GRANTED. THE TIME FOR PLAINTIFF TO RESPOND TO DEFENDANTS' MOTIONS IN LIMINE (NOS 77,78,79,80,81 AND 82) IS EXTENDED TO 3/6/20. SIGNED BY HONORABLE JAN E. DUBOIS ON 2/18/20.2/21/20 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 02/21/2020)
03/05/2020	88	Second MOTION for Extension of Time to File Response/Reply to <i>Defendants' Motions in Limine</i> filed by DAVID WICHTERMAN, JR..(FEINBERG, JONATHAN) (Entered: 03/05/2020)
03/06/2020	89	ORDER THAT PLAINTIFF'S SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO CITY OF PHILADELPHIA'S MOTIONS IN LIMINE IS GRANTED TO 3/20/20. IT IS FURTHER ORDERED THAT, EXCEPTING ONLY THE ABOVE, THE SECOND AMENDED SCHEDULING ORDER DATED 12/4/20 CONTINUES IN EFFECT. SIGNED BY HONORABLE JAN E. DUBOIS ON 3/6/20.3/9/20 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 03/09/2020)
03/20/2020	90	RESPONSE in Opposition re 76 First MOTION in Limine <i>to Preclude Evidence of the Post-Incident Investigation</i> filed by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 03/20/2020)
03/20/2020	91	RESPONSE in Opposition re 77 Second MOTION in Limine <i>to Preclude Prior Acts and Discipline</i> filed by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 03/20/2020)
03/20/2020	92	RESPONSE in Opposition re 78 Third MOTION in Limine <i>to Preclude Evidence of Other Detainee Deaths / Harms</i> filed by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 03/20/2020)
03/20/2020	93	RESPONSE in Opposition re 79 Fifth MOTION in Limine <i>to Preclude Opinions and Conclusions of R. Paul McCauley</i> filed by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 03/20/2020)
03/20/2020	94	RESPONSE to Motion re 80 Fourth MOTION in Limine <i>to Preclude Evidence of Post-Incident Opiate-Related Policy Changes and Training</i> filed by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 03/20/2020)
03/20/2020	95	RESPONSE in Opposition re 81 Seventh MOTION in Limine <i>Limine to Preclude Specific Testimony From the Deposition of Captain Lee Strollo</i> filed by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 03/20/2020)
03/20/2020	96	RESPONSE in Opposition re 82 Sixth MOTION in Limine <i>evidence and/or testimony concerning the May 2017 Report on the Mayors Task Force to Combat the Opioid Epidemic in Philadelphia</i> filed by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 03/20/2020)
09/03/2020	97	ORDER THAT THE PARTIES, THROUGH COUNSEL, SHALL CONTINUE THEIR SETTLEMENT DISCUSSIONS AND SHALL JOINTLY REPORT TO THE COURT ON OR BEFORE 9/25/20 WHETHER THE CASE IS SETTLED. SIGNED

		BY HONORABLE JAN E. DUBOIS ON 9/2/20. 9/3/20 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 09/03/2020)
09/25/2020	98	ORDER THAT THE PARTIES, THROUGH COUNSEL, SHALL CONTINUE THEIR SETTLEMENT DISCUSSIONS AND SHALL JOINTLY REPORT TO THE COURT ON OR BEFORE 10/26/20 WITH RESPECT TO WHETHER THE CASE IS SETTLED. SIGNED BY HONORABLE JAN E. DUBOIS ON 9/25/20. 9/25/20 ENTERED AND COPIES E-MAILED. (Attachments: # 1 Letter)(mbh,) (Entered: 09/25/2020)
11/24/2020	99	ORDER THAT 71 MOTION IN LIMINE IN LIMINE IS GRANTED. 76 MOTION IN LIMINE IS GRANTED IN PART AND DENIED IN PART. 77 MOTION IN LIMINE IS GRANTED IN PART AND DENIED IN PART. 78 MOTION IN LIMINE IS GRANTED. 80 MOTION IN LIMINE IS GRANTED IN PART AND DENIED IN PART. 81 MOTION IN LIMINE IS GRANTED IN PART AND DENIED IN PART. 82 MOTION IN LIMINE IS GRANTED IN PART AND DENIED IN PART. SIGNED BY HONORABLE JAN E. DUBOIS ON 11/23/20.11/24/20 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 11/24/2020)
12/21/2020	100 	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE JAN E. DUBOIS ON 12/21/20. 12/21/20 ENTERED AND COPIES -MAILED.(mbh,) (Entered: 12/21/2020)
12/21/2020	101 	ORDER THAT DEFENDANT CITY OF PHILADELPHIA'S FIFTH MOTION IN LIMINE TO PRECLUDE OPINIONS AND CONCLUSIONS OF R. PAUL MCCAULEY IS GRANTED IN PART AND DENIED IN PART. IT IS FURTHER ORDERED THAT THE RULINGS IN THIS ORDER ARE WITHOUT PREJUDICE TO THE RIGHT OF AGGRIEVED PARTIES TO SEEK RECONSIDERATION AT TRIAL IS WARRANTED BY THE EVIDENCE AT TRIAL AND APPLICABLE LAW AS STATED IM THIS MEMORANDUM. SIGNED BY HONORABLE JAN E. DUBOIS ON 12/21/20. 12/21/20 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 12/21/2020)
08/12/2021	102	ORDER THAT THIS CASE IS REASSIGNED FROM HONORABLE JAN E. DUBOIS TO HONORABLE JOHN M. YOUNGE FOR ALL FURTHER PROCEEDINGS. SIGNED BY CLERK OF COURT KATE BARKMAN, CLERK OF COURT ON 8/12/21. 8/12/21 ENTERED AND COPIES E-MAILED.(amas,) (Entered: 08/12/2021)
08/13/2021	103	ORDER THAT WITHIN 10 DAYS HEREOF, ALL PARTIES SHALL FILE VIA ECF A JOINT STATUS REPORT SETTING FORTH THE FOLLOWING AS OUTLINED HEREIN, ETC. SIGNED BY HONORABLE JOHN M. YOUNGE ON 8/13/21. 8/13/21 ENTERED AND COPIES E-MAILED.(kw,) (Entered: 08/13/2021)
08/24/2021	104	ORDER THAT THE LETTER ATTACHED TO THIS ORDER THAT WAS FORWARDED TO CHAMBERS IN WHICH COUNSEL REQUESTED AN EXTENSION OF TIME TO FILE A JOINT STATUS REPORT IS GRANTED AND COUNSEL SHALL HAVE UNTIL 8/31/21 TO FILE A JOINT STATUS REPORT. SIGNED BY HONORABLE JOHN M. YOUNGE ON 8/24/21. 8/24/21 ENTERED AND COPIES E-MAILED.(Attachments: # 1 Letter)(mbh,) (Entered: 08/24/2021)
08/30/2021	105	STATUS REPORT by DAVID WICHTERMAN, JR. (FEINBERG, JONATHAN) (Entered: 08/30/2021)
06/08/2022	106	NOTICE of Withdrawal of Appearance by MEGHAN E. CLAIBORNE on behalf of CITY OF PHILADELPHIA(CLAIBORNE, MEGHAN) (Entered: 06/08/2022)

06/09/2022	107	NOTICE of Appearance by BAILEY AXE on behalf of CITY OF PHILADELPHIA with Certificate of Service(AXE, BAILEY) (Entered: 06/09/2022)
11/28/2022	108	ORDER THAT A FINAL PRETRIAL CONFERENCE WILL BE HELD ON 2/28/23 AT 11:00 AM BEFORE HONORABLE JOHN M. YOUNGE. COUNSEL SHALL APPEAR BY VIDEO. SIGNED BY HONORABLE JOHN M. YOUNGE ON 11/28/22. 11/29/22 ENTERED AND COPIES E-MAILED.(mbh) Modified on 1/11/2023 (fb). (Entered: 11/29/2022)
02/16/2023	109	SUGGESTION OF BANKRUPTCY by CORIZON HEALTH under Chapter Number 11 of the Bankruptcy Code in the Bankruptcy Court for the District of Texas filed under case number 23-90086 . (GREGORY, THOMAS) (Entered: 02/16/2023)
02/16/2023	110	ORDER THAT THE FINAL PRETRIAL CONFERENCE SCHEDULED FOR 2/28/23 AT 11:00 AM IS CANCELLED. SIGNED BY HONORABLE JOHN M. YOUNGE ON 2/16/23. 2/16/23 ENTERED AND COPIES E-MAILED.(mbh) (Entered: 02/16/2023)
02/17/2023	111	ORDER THAT THE CLERK OF COURT MARK THIS ACTION CLOSED FOR STATISTICAL PURPOSES AND PLACE THE MATTER IN THE CIVIL SUSPENSE FILE.. SIGNED BY HONORABLE JOHN M. YOUNGE ON 2/17/23. 2/17/23 ENTERED AND E-MAILED.(JL) (Entered: 02/17/2023)

PACER Service Center			
Transaction Receipt			
02/28/2023 20:47:23			
PACER Login:	rjshannontxwb	Client Code:	
Description:	Docket Report	Search Criteria:	2:16-cv-05796-JMY
Billable Pages:	10	Cost:	1.00